



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : April 26, 2006
Darryl P. Klein : Group Art Unit: 1755
Serial No. 10/719,551 : Examiner: Wood, Elizabeth D.
Filed: 11/20/2003 : Docket No.: W9652-01

For: Hydroconversion Catalysts and Methods of Making and Using Same

IDS TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

On September 8, 2005, Attorney for Applicant submitted *inter alia* to the USPTO an Information Disclosure Statement Transmittal Letter and associated, PTO Form 1449, and the PCT Search Report for the above-identified Patent Application. Applicant paid the \$180 fee under 37 CFR 1.17 (p) as shown in the IDS Transmittal Letter attached hereto that was previously submitted.

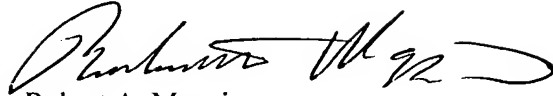
On March 31, 2006, Attorney for Applicant received an Office Action having the previously submitted Information Disclosure Statement attached thereto and, identifying the references considered by the Examiner. Two out of the three Foreign Patent documents cited by Applicant were not considered by the Examiner due to Applicants' failure to submit a copy of the cited Foreign Patent documents. The Foreign Patent documents not considered by the Examiner were EP 0266008 and EP 0482817.

Copies of the above-mentioned two (2) European Patent documents were not submitted because they were cited in the PCT Search Report and it was assumed WIPO would provide search copies to the USPTO. Therefore, Attorney for Applicant herewith submits an Information Disclosure Statement (form PTO 1449) citing the two (2) previously cited European Patent Documents, along with a copy of each for consideration by the Examiner.

Since Applicant already paid the \$180 fee with the previous submission covering the currently cited EP references, it is submitted no additional fee is required.

Accordingly, Applicant earnestly solicits review of the enclosed references and acknowledgment of the same by returning an initialed copy of the enclosed 1449 form.

Respectfully yours,



Robert A. Maggio
Attorney for Applicant
Registration No. 28,032

Dated: April 26, 2006
Tel: (410) 531-4508
W. R. Grace & Co.-Conn.
7500 Grace Drive
Columbia, Maryland 21044

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

Pursuant to 37 CFR §1.8, I hereby certify that I have a reasonable basis to expect that this correspondence will be deposited with the United States Postal Service on or before the date indicated, as First Class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

4/26/06

Date

Angela M. Ponzocci

Signature



Attorney Docket No. W 9652-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Darryl P. Klein

) Before the Examiner: Elizabeth D. Wood
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)
)

Serial No.: 10/719,551

) Group Art Unit: 1754
)
)
)

Filed: November 20, 2003

For: Hydroconversion Catalysts and
Methods of Making and Using Same
)
)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

Pursuant to 37 CFR §1.8, I hereby certify that I have a reasonable basis to expect that this correspondence will be deposited with the United States Postal Service on or before the date indicated as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9/8/05
Date

Angela M. Pouszczak
Signature

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL
LETTER/PETITION FOR CONSIDERATION UNDER 37 CFR §1.97**

I. Enclosed is:

- a. ☒ Information Disclosure Statement Form No. PTO-1449 and copies of references where indicated.
- b. ☐ Copy of the European Search Report dated _____ on European Application No. _____ which is:
- ☐ The European counterpart of the above-identified U.S. application or one of its Parental ancestors, i.e. USSN _____, filed _____.
- ☐ The European counterpart of related USSN _____, filed _____.
- c. ☒ Copy of the PCT Search Report dated April 6, 2005 on PCT Application No. PCT US2004/038529 which is:
- ☐ The PCT counterpart of the above-identified U.S. application or one of its Parental ancestors, i.e. USSN _____, filed _____.

☒ The PCT counterpart of related USSN 10/742,066, filed December 19, 2003.

d. ☐ Copy of the _____ Search Report dated _____ on the corresponding _____ counterpart of the above-identified U.S. application.
(country)

e. ☐ Explanatory comments attached hereto as Appendix 1.

f. ☒ COPIES_(check at least one box)

☐ A legible copy of (i) each ☐ U.S.* ☒ foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed. (*Copies Of US Patents do not have to be provided for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003).

☒ Some or all of the documents listed on the PTO1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

g. ☒ Concise Explanation Of Relevance
(check at least one box)

☐ Documents Not In The English Language

☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as attached.

☒ Documents In The English Language

All of the patents, publications or other information are in the English language. No statement of relevancy is required.

☐ English Language Search Report

An English language version of the search report or action which indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

☐ Other

The following additional information is provided for the Examiner's consideration.

II. ☐ The Examiner is requested to consider the references cited in the attached Information Disclosure Statement without a fee or certification because it was filed:

- ☐ within three months of the filing date of this national application, other than a continued prosecution application under 1.53(d);
- ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☐ before the mailing date of a first Office Action on the merits; or
- ☐ before the mailing of a first Office Action after filing of a Request for Continued Examination under §1.114.

III. ☒ The Examiner is requested to consider the attached Information Disclosure Statement pursuant to 37 CFR §1.97(c) in that it is being filed after the periods specified in Paragraph II above, but before the first to occur of the mailing date of either:

- ☐ Final Action under 37 CFR §1.113; or
- ☐ Notice of Allowance under 37 CFR §1.311; or
- ☐ An action that otherwise closes prosecution in the application;

and in support of such request the undersigned either:

- ☐ has made the certification hereinbelow at Paragraph IVB pursuant to 37 CFR §1.97(e); or
- ☒ is paying a petition fee under 37 CFR §1.17(p) in the amount of \$180.00.

IVA. ☐ The Examiner is requested to consider the attached Information Disclosure Statement pursuant to 37 CFR §1.97(d) in that it is being filed before the payment of the Base Issue Fee and after the mailing date of any:

- (1) Final Action under 37 CFR §1.113;
- (2) Notice of Allowance under 37 CFR §1.311; or
- (3) An action that otherwise closes prosecution in the application.

and in support of said request the undersigned:

- (i) has made the certification hereinbelow at Paragraph IVB pursuant to 37 CFR §1.97(e); and
- (ii) is paying a petition fee under 37 CFR §1.17 (P) in the amount of \$180.00.

IVB. Certification Under 37 CFR §1.97(e)
[applicable to only III or IV above]

- ☐ The undersigned hereby certifies that for each item of information contained in the Information Disclosure Statement it was either:
 - (1) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or

- (2) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned upon making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of the statement.

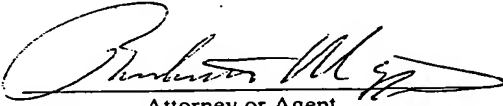
- V. ☐ The Examiner is requested to make the art of record in the following parental U.S. applications relied upon for an earlier filing date under 35 USC §120, of record in the present above-identified application.

U. S. Serial No.	Filing Date


VI. Fee Payment

- ☐ Petition fee under 37 CFR §1.17(p) to consider Information Disclosure Statement under 37 CFR §1.97(c) and (d) (fee code 1806) is \$180.00.
- ☒ Charge \$180.00 to Deposit Account No. 07-1770.
- ☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.16 and §1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 07-1770. A duplicate copy of this Form is enclosed.
- ☐ A check in the amount of the fee is enclosed
- ☐ No fee due.

9/8/2005
Date of Signature


Attorney or Agent
Robert A. Maggio – Reg. No.: 28,032
Telephone: (410) 531-4508

Post Office Address (to which correspondence is to be sent): W. R. Grace & Co.-Conn.
Patent Dept.
7500 Grace Drive
Columbia, MD 21044-4098

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i>		ATTY. DOCKET NO. W9652-01		Page ____ of ____ SERIAL NO: 10/719,551				
		APPLICANT Darryl P. Klein						
		FILING DATE 11/20/2003		GROUP 1755				
FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL*	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANS SUBMITTED?	Copy Submitted	ENG LANG EQUIV
	0 266 008	4/4/1990	EP	B01J	27/188	No	<input checked="" type="checkbox"/>	Yes
	0482817	12/20/1995	EP	C10G	45/08	No	<input checked="" type="checkbox"/>	Yes

EXAMINER	DATE CONSIDERED
<small>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>	